

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent urine, and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 2, 1951. A. B. Abbitt & Co., Inc., having appeared as claimant, but later having withdrawn its claim and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

17898. Alleged misbranding of Aminex amino acid tablets. U. S. v. 51 Packages
* * *. (F. D. C. No. 19401. Sample No. 14051-H.)

LIBEL FILED: March 13, 1946, Southern District of Ohio; amended libel filed on or about October 22, 1947.

ALLEGED SHIPMENT: Between the approximate dates of January 6 and February 1, 1946, by Nutritional Enterprises, from Chicago, Ill.

PRODUCT: 51 packages of Aminex amino acid tablets at Cincinnati, Ohio.

NATURE OF CHARGE: Misbranding, Section 403 (a), the designation "Aminex Amino Acid Tablets" and the names of individual amino acids appearing upon the labeling of the article were misleading since the designation and names represented and suggested that the article when taken in accordance with the directions upon its labeling, namely, "Directions: For Use as a dietary supplement, one to three tablets a day," would supply nutritionally significant amounts of amino acids, whereas the article would not supply nutritionally significant amounts of amino acids when taken as directed; and the labeling statement "Inasmuch as the daily minimum requirements of the Amino Acids are not established" was misleading since there is adequate evidence to establish that the requirement for amino acids to maintain normal nutrition of man is far in excess of the quantities that would be provided by the product when taken as directed.

The libel alleged also that certain other articles were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3649.

DISPOSITION: Lelord Kordel appeared as claimant and filed exception, seeking dismissal of the libel. Thereafter, on February 18, 1952, following preliminary proceedings involving the other products, and upon stipulation by the parties that the case presented no question for adjudication for the reason that all of the products under seizure had deteriorated and become unmarketable, and with the consent of the parties and without any finding on any issue of fact or law, the court ordered that the products be destroyed.

17899. Adulteration of Dwarfies wheat germ. U. S. v. 5 Cases * * *.
(F. D. C. No. 31424. Sample No. 16184-L.)

LIBEL FILED: On or about July 6, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about May 10, 1951, by Dwarfies Corp., from Council Bluffs, Iowa.

*See also No. 17852.